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REMARKS

Claims 5-17 and 19 are pending in this application. By this Amendment, claims 5, 6, 11, 12, 14, 17, and 19 are amended and claims 1-4 and 18 are cancelled without prejudice or disclaimer. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim 5 is amended to clarify that information concerning the detected mobile stations, which have been detected as having sufficiently good radio propagation conditions with a mobile station, is sent by the mobile station to a base station prior to the mobile station requesting communication with another mobile station. See, for example, FIG 2 and the accompanying description and subsequent FIG. 3 and the accompanying description for support for this amendment. Thus, in accordance with the present invention a mobile station collects radio propagation information about neighboring mobile stations, determines those mobile stations having good propagation conditions with the mobile station and sends information concerning the determined mobile stations to a base station. When the mobile station wishes to establish communication with another mobile station, the base station can use the received information to determine whether direct communication is possible. The invention avoids the need to perform measurements once a communication request has been initiated.

The Office Action rejects, under 35 U.S.C. § 102, claims 1-11 and 17 over Grube et al. (U.S. Patent No. 5,666,661). The Office Action also rejects, under 35 U.S.C. § 103, claims 12, 14-16, 18 and 19 over Grube and Mauney et al. (U.S. Patent No. 6,865,372) and claim 13 over Grube and 3G TR 25.924 V1.0.0 (1999-12) Technical Report, 3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Opportunity Driven Multiple Access. These rejections are respectfully traversed.

Grube et al. discloses a method for automatically switching between a direct mode of operation in which two communication units communicate directly and a system mode of operation in which two communication units communicate via a system communication resource. In the method taught in Grube, a communication unit first initiates a call to another communication unit (see Fig. 2 and accompanying description). The communication resource controller 101 then determines the geographic locations of the two communication units and then

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determines whether the communication units are close enough to establish direct communication therebetween.

The method taught in Grube is based only on location knowledge to determine distance between the two communication units on which a decision is made as to the mode of operation to employ.

Grube does not disclose nor provide any teaching to at least the following steps of claim 5, which are similarly recited in claim 14:

at one or more mobile stations of the radiotelephone system, detecting other mobile stations to which radio propagation conditions are sufficiently good;

at the one or more mobile stations, communicating information about the detected mobile stations to a base station of the radiotelephone system;

Claim 17 has been amended to include the features of previous claim 18. Claim 17 now recites clear structural limitations which are not found in any radio terminal. For example, claim 17 recites:

'.... the controller being configured to control the radio communication circuit to establish a radio link to the remote base station to transmit the relay candidate list to the remote base station, to establish a radio link to a remote base station to transmit a request for communication with another radiotelephone and to receive over the radio link a direct communication instruction, and further configured to control the radio communication circuit to interrupt the radio link and establish a relay radio link with the other radiotelephone in response to the direct communication instruction.'

Thus, it is believed that claim 17 is patentably distinguished from the prior art.

Therefore, Applicants respectfully submit that independent claims 5, 14, and 17 define patentable subject matter. The remaining claims depend from the independent claims and

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therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 5-17 and 19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



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